

WEST VIRGINIA LEGISLATURE

SENATE JOURNAL

EIGHTY-THIRD LEGISLATURE
REGULAR SESSION, 2017
SEVENTH DAY

Charleston, West Virginia, Tuesday, February 14, 2017

The Senate met at 11 a.m.

(Senator Carmichael, Mr. President, in the Chair.)

Prayer was offered by Rabbi Victor H. Urecki, B'nai Jacob Synagogue, Charleston, West Virginia.

The Senate was then led in recitation of the Pledge of Allegiance by the Honorable Michael T. Azinger, a senator from the third district.

Pending the reading of the Journal of Monday, February 13, 2017,

At the request of Senator Sypolt, unanimous consent being granted, the Journal was approved and the further reading thereof dispensed with.

The Senate proceeded to the second order of business and the introduction of guests.

The Senate then proceeded to the fourth order of business.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 127, 128, 146 and 147, Insurance Commissioner rule relating to adoption of valuation manual.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 127 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §64-7-1, §64-7-2 and §64-7-3 of the Code of West Virginia, 1931, as amended, all relating to authorizing certain Department of Revenue legislative rules; authorizing the Insurance Commissioner to promulgate a legislative rule relating to adoption of a valuation manual; authorizing the Racing Commission to promulgate a legislative rule relating to thoroughbred racing; authorizing the Racing Commission to promulgate a legislative rule relating

to pari-mutuel wagering; and authorizing the Lottery Commission to promulgate a legislative rule relating to limited video lottery.

With the recommendation that the committee substitute do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

Senator Maynard, from the Committee on Natural Resources, submitted the following report, which was received:

Your Committee on Natural Resources has had under consideration

Senate Bill 133, DNR rule relating to revocation of hunting and fishing licenses.

Senate Bill 134, DNR rule relating to point system for revocation of hunting; repeal.

Senate Bill 135, DNR rule relating to special waterfowl hunting.

Senate Bill 136, DNR rule relating to commercial sale of wildlife.

And,

Senate Bill 137, DNR rule relating to miscellaneous permits and licenses.

And reports the same back with the recommendation that they each do pass; but under the original double committee references first be referred to the Committee on the Judiciary.

Respectfully submitted,

Mark R. Maynard,
Chair.

The bills, under the original double committee references, were then referred to the Committee on the Judiciary.

Senator Trump, from the Committee on the Judiciary, submitted the following report, which was received:

Your Committee on the Judiciary has had under consideration

Senate Bill 230, Relating to WV officials carrying concealed firearm nationwide.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 230 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §7-4-1 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new section, designated §30-29-12, all relating to authorizing West Virginia prosecuting attorneys and assistant prosecuting attorneys to carry concealed firearms nationwide as authorized by the federal Law-Enforcement Officers Safety Act, 18 U. S. C. §926B;

providing the statutory authority necessary to give prosecuting attorneys and assistant prosecuting attorneys the option to carry firearms pursuant to federal law upon completion of required training and annual background check; granting prosecuting attorneys and assistant prosecuting attorneys arrest powers under certain circumstances; requiring West Virginia law-enforcement agencies to offer access to training and certification for honorably retired officers of said agencies to be permitted to carry a concealed firearm nationwide as a qualified retired law-enforcement officer as provided in the federal Law-Enforcement Officers Safety Act of 2004 and establishing a fee limit thereof; and authorizing West Virginia law-enforcement agencies to offer training to retired law-enforcement officers of other departments.

And,

Senate Bill 233, Excluding from protection oral communications uttered in child care center under Wiretapping and Electronic Surveillance Act.

And reports back a committee substitute for same with the following title:

Com. Sub. for Senate Bill 233 (originating in the Committee on the Judiciary)—A Bill to amend and reenact §62-1D-2 of the Code of West Virginia, 1931, as amended, relating generally to the Wiretapping and Electronic Surveillance Act; excluding from protection under the act oral communications uttered in a child care center where there are written notices posted informing persons that their oral communications are subject to being intercepted; and defining “child care center”.

With the recommendation that the two committee substitutes do pass.

Respectfully submitted,

Charles S. Trump IV,
Chair.

The Senate proceeded to the sixth order of business.

On motions for leave, severally made, the following bills were introduced, read by their titles and referred to the appropriate committees:

By Senators Plymale and Stollings:

Senate Bill 279—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §7-11-5a; to amend said code by adding thereto a new section, designated §8-21-10a; to amend and reenact §19-25-3 of said code; and to amend said code by adding thereto a new section, designated §20-5-3a, all relating to limiting liability of the section of Parks and Recreation of the Division of Natural Resources, county parks and recreation commissions, boards of parks and recreation commissioners, any officer or agent of a nonprofit state park or forest foundation and owners of land used for public parks and recreation purposes under an agreement with any of the foregoing entities.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senators Boso and Weld:

Senate Bill 280—A Bill to repeal §29-2A-3a of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto a new article, designated §15-1K-1 and §15-1K-2, all relating to the Civil Air Patrol.

Referred to the Committee on Military; and then to the Committee on Government Organization.

By Senators Boso, Stollings, Takubo, Maroney and Trump:

Senate Bill 281—A Bill to amend and reenact §29-22B-1101 of the Code of West Virginia, 1931, as amended, relating to increasing number of limited video lottery terminals allowed at a retail location; increasing the number of limited video lottery terminals located on the premises of certain tax exempt organizations; and requiring Lottery Commission to conduct a bid for permits held by current permit holders expiring June 30, 2021, prior to September 1, 2017.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senator Trump:

Senate Bill 282—A Bill to amend and reenact §64-8-1 of the Code of West Virginia, 1931, as amended, relating to directing Office of Administrative Hearings to amend and promulgate a current legislative rule relating to appeal procedures.

Referred to the Committee on the Judiciary.

By Senator Miller:

Senate Bill 283—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §19-36-1, §19-36-2, §19-36-3 and §19-36-4, all relating to creating the Food Production Act; making the Department of Agriculture responsible for all food production within the state; making findings; defining a term; and providing rule-making authority.

Referred to the Committee on Agriculture and Rural Development; and then to the Committee on the Judiciary.

By Senators Blair and Maroney:

Senate Bill 284—A Bill to amend and reenact §17A-3-23 of the Code of West Virginia, 1931, as amended, relating to the issuance of registration plates by the Division of Motor Vehicles for governmental vehicles; clarifying vehicles which are entitled to special registration plates as a public transit authority or provider; requiring the Commissioner of the Division of Motor Vehicles to identify certain registrations and plates issued; and requiring the Commissioner of the Division of Motor Vehicles to report to the Governor and Joint Committee on Government Organization.

Referred to the Committee on Government Organization.

By Senators Cline and Stollings:

Senate Bill 285—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17C-6-1a, relating to authorizing the Commissioner of the Division of Highways or local authorities to establish minimum speed limits in certain congested areas; and imposing fines.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on the Judiciary.

By Senators Cline, Boso and Rucker:

Senate Bill 286—A Bill to amend and reenact §48-10-502 of the Code of West Virginia, 1931, as amended, relating to visitation rights of grandparents; and defining a term.

Referred to the Committee on the Judiciary.

By Senators Blair and Azinger:

Senate Bill 287—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-31, relating generally to damages for medical monitoring; prohibiting payment of damages for a plaintiff's future medical surveillance, screening tests or monitoring procedures to a plaintiff to cover the cost of his or her future medical surveillance, screening tests or monitoring procedures until they have been completed; establishing that court shall order liable defendant to make periodic payments into a fund established to pay the cost of future medical surveillance, screening tests or monitoring procedures; authorizing court to determine how the fund will be administered; requiring court to establish date after which future medical surveillance, screening tests or monitoring procedures are no longer required; providing for repayment of moneys remaining in the fund that are not needed to pay for medical surveillance, screening tests or monitoring procedures completed prior to the date established by the court to the contributing defendants; and providing that repayments to multiple defendants to be made in proportion to the total contributions of each defendant to the fund.

Referred to the Committee on the Judiciary.

By Senator Carmichael (Mr. President) and Stollings:

Senate Bill 288—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §61-8D-1a; and to amend and reenact §61-8D-2a, §61-8D-3, §61-8D-3a, §61-8D-4, §61-8D-4a and §61-8D-5 of said code, all relating to naming the law and doubling the penalties for various child abuse offenses.

Referred to the Committee on the Judiciary.

By Senator Romano:

Senate Bill 289—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §11-15-3d, relating to clarifying that the consumers sales and service tax applies to digital goods; and listing examples of digital goods that shall be taxed.

Referred to the Committee on Finance.

By Senators Weld, Stollings, Takubo and Rucker:

Senate Bill 290—A Bill to amend and reenact §60-4-3a of the Code of West Virginia, 1931, as amended, relating to authorizing operators of a distillery or mini-distillery to offer for purchase and consumption liquor on the premises if purchased and consumed at a licensed Class A private club operating on the premises of the distillery or mini-distillery; and allowing distilleries and mini-distilleries to sell and serve alcohol beginning at 10:00 a.m. on Sundays.

Referred to the Committee on Economic Development; and then to the Committee on the Judiciary.

By Senators Miller, Stollings and Facemire:

Senate Bill 291—A Bill to amend and reenact §11-13Z-1 and §11-13Z-3 of the Code of West Virginia, 1931, as amended, all relating to residential solar energy tax credits; applying credit to residential installation of solar energy system or systems; and extending tax credit until July 1, 2023.

Referred to the Committee on Finance.

By Senators Miller, Stollings and Facemire:

Senate Bill 292—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §15-9A-4, relating to funding of civil legal services for low income persons.

Referred to the Committee on Finance.

By Senators Miller, Stollings and Facemire:

Senate Bill 293—A Bill to amend and reenact §25-1-11d of the Code of West Virginia, 1931, as amended, relating to providing a \$2,008 increase in the annual salary of employees of the Division of Corrections.

Referred to the Committee on Finance.

By Senators Miller and Facemire:

Senate Bill 294—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §5B-2I-1, §5B-2I-2, §5B-2I-3, §5B-2I-4, §5B-2I-5, §5B-2I-6, §5B-2I-7, §5B-2I-8, §5B-2I-9, §5B-2I-10, §5B-2I-11 and §5B-2I-12, all relating to Community Sustainability Investment Pilot Program; providing legislative findings and intent; creating the fund; establishing Community Sustainability Investment Board; providing requirements for applications for use of matching funds from Community Sustainability Investment Fund; providing for review of applications by West Virginia Development Office; establishing that Community Sustainability Investment Board shall have authority to approve matching grants from Community Sustainability Investment Fund; establishing matching requirements from applicants; establishing eligible expenditures; and defining parameters of agreement between West Virginia Development Office and a community for use.

Referred to the Committee on Government Organization; and then to the Committee on Finance.

By Senators Gaunch, Boso, Miller, Unger, Stollings, Hall, Takubo, Maroney and Facemire:

Senate Bill 295—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §11-13EE-1, §11-13EE-2 and §11-13EE-3, all relating to providing a tax credit for modifications to homes made more accessible for an elderly person or a person with a disability.

Referred to the Committee on Finance.

By Senators Trump, Gaunch, Hall, Takubo, Rucker and Azinger:

Senate Bill 296—A Bill to repeal §61-2-17 of the Code of West Virginia, 1931, as amended; to amend and reenact §15-9A-2 of said code; to amend and reenact §49-1-201 of said code; to amend said code by adding thereto a new article, designated §61-14-1, §61-14-2, §61-14-3, §61-14-4, §61-14-5, §61-14-6, §61-14-7, §61-14-8 and §61-14-9; and to amend and reenact §62-1D-8 of said code, all relating generally to human trafficking; designating the Division of Justice and Community Services to be the state administrative agency responsible for criminal justice and juvenile justice systems for the planning and development of state programs and grants relating to human trafficking; defining terms; repealing existing civil remedies; criminal offense and penalties for human trafficking; creating criminal felony offenses and penalties for trafficking an individual; creating criminal felony offenses and penalties for using an individual in forced labor; creating criminal felony offenses and penalties for using an individual in debt bondage; creating

criminal felony offenses and penalties for compelling an adult through coercion to engage in commercial sexual activity; creating a criminal felony offense for maintaining or making available a minor for the purpose of engaging in commercial sexual activity; clarifying that consent of minor and misbelief as to age are not defenses to prosecution for sexual servitude offense; creating a criminal felony offense of patronizing an individual to engage in commercial sexual activity; clarifying that each victim shall be considered a separate offense; limiting ability for parole in circumstances where the court makes a finding of aggravated circumstances; defining “aggravated circumstances”; providing for restitution to victims and the enforcement of a judgment order for restitution; directing unclaimed restitution to be paid to the Crime Victims Compensation Fund; providing for disgorgement of profits and debarment from state and local government contracts; making victims eligible for compensation under the Crime Victims Compensation Fund; specifying the notification procedure to be followed by a law-enforcement officer upon encountering a child who appears to be a victim of an offense under this article; providing for immunity for offense of prostitution for minors; defining a minor victim of sex trafficking as an abused child and establishing a child’s eligibility for services therefor; providing for expungement of prostitution conviction for victims of trafficking; and authorizing the use of wiretaps to conduct investigations.

Referred to the Committee on the Judiciary.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 297—A Bill to amend and reenact §60A-4-409 of the Code of West Virginia, 1931, as amended, relating to increasing the minimum criminal penalty for transportation of a Schedule I or II narcotic drug into the state from one year to three years.

Referred to the Committee on the Judiciary.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 298—A Bill to amend and reenact §6-7-2 of the Code of West Virginia, 1931, as amended, relating to the ability of a constitutional officer to voluntarily waive his or her salary for any calendar year.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 299—A Bill supplementing, amending, decreasing and increasing items of the existing appropriations from the State Road Fund to the Department of Transportation, Division of Highways, fund 9017, fiscal year 2017, organization 0803, for the fiscal year ending June 30, 2017.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 300—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Administration, Division of Personnel, fund 2440, fiscal year 2017, organization 0222, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 301—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Education, State Board of Education – School Lunch Program, fund 8713, fiscal year 2017, organization 0402, by supplementing and amending the appropriation for the fiscal year ending June 30, 2017.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 302—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Health and Human Resources, Division of Human Services, fund 8722, fiscal year 2017, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 303—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Health and Human Resources, Division of Health - Laboratory Services Fund, fund 5163, fiscal year 2017, organization 0506, the Department of Health and Human Resources, Division of Health – West Virginia Birth-to-Three Fund, fund 5214, fiscal year 2017, organization 0506, and the Department of Health and Human Resources, Division of Human Services - Medicaid State Share Fund, fund 5090, fiscal year 2017, organization 0511, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 304—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2017, in the amount of \$2,700,000 from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2017, organization 0701, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Health and Human Resources, Division of Health – Central Office, fund 0407, fiscal year 2017, organization 0506, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 305—A Bill making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Military Affairs and Public Safety, Fire Commission – Fire Marshal Fees, fund 6152, fiscal year 2017, organization 0619, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 306—A Bill making a supplementary appropriation of federal funds out of the Treasury from the balance of federal moneys remaining unappropriated for the fiscal year ending June 30, 2017, to the Department of Commerce, Workforce West Virginia – Workforce Investment Act, fund 8749, fiscal year 2017, organization 0323, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.

Referred to the Committee on Finance.

By Senators Carmichael (Mr. President) and Prezioso (By Request of the Executive):

Senate Bill 307—A Bill expiring funds to the unappropriated surplus balance in the State Fund, General Revenue, for the fiscal year ending June 30, 2017, in the amount of \$18,600,000 from the Department of Revenue, Office of the Secretary – Revenue Shortfall Reserve Fund, fund 7005, fiscal year 2017, organization 0701, and making a supplementary appropriation of public moneys out of the Treasury from the balance of moneys remaining as an unappropriated surplus balance in the State Fund, General Revenue, to the Department of Administration, Division of Finance, fund 0203, fiscal year 2017, organization 0209, and to the Department of Administration, Public Defender Services, fund 0226, fiscal year 2017, organization 0221, by supplementing and amending the appropriations for the fiscal year ending June 30, 2017.

Referred to the Committee on Finance.

By Senator Trump:

Senate Bill 308—A Bill to amend and reenact §20-7-1 of the Code of West Virginia, 1931, as amended, relating to defining legislatively that the administrative and law-enforcement activities of the natural resources police officers of the Division of Natural Resources are directly related to the conservation and management of the state's fish and wildlife.

Referred to the Committee on Natural Resources; and then to the Committee on the Judiciary.

By Senators Blair and Azinger:

Senate Bill 309—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §17A-10-17, relating to county registration plates; allowing counties to customize county registration plates; providing fees; and requiring Commissioner of the Division of Motor Vehicles to propose rules for legislative approval regarding proper forms to be used in counties that offer customized license plates.

Referred to the Committee on Transportation and Infrastructure; and then to the Committee on Finance.

By Senator Blair:

Senate Bill 310—A Bill to amend and reenact §7-18-2 of the Code of West Virginia, 1931, as amended, relating to exempting certain complimentary hotel rooms from hotel occupancy tax.

Referred to the Committee on Finance.

By Senator Blair:

Senate Bill 311—A Bill to amend and reenact §6-9A-2 of the Code of West Virginia, 1931, as amended, relating to classifying the convention and visitor's bureau as a public agency subject to the ethics act and open meetings law.

Referred to the Committee on Government Organization.

By Senator Smith:

Senate Bill 312—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-18f, relating to establishing a four-year pilot program to have social workers in public schools from prekindergarten through elementary school; requiring a minimum of one social worker per county; defining a term; requiring guidelines and criteria relating to the pilot programs be prescribed; and requiring annual and final reports.

Referred to the Committee on Education; and then to the Committee on Finance.

By Senators Carmichael (Mr. President) and Ferns:

Senate Bill 313—A Bill to repeal §14-2-6 and §14-2-18 of the Code of West Virginia, 1931, as amended; to repeal §14-2A-7 of said code; to amend and reenact §14-2-3, §14-2-4, §14-2-4a, §14-2-5, §14-2-7, §14-2-8, §14-2-9, §14-2-10, §14-2-11, §14-2-12, §14-2-13, §14-2-14, §14-2-15, §14-2-16, §14-2-17, §14-2-19, §14-2-20, §14-2-21, §14-2-22, §14-2-23, §14-2-24, §14-2-25, §14-2-26, §14-2-27 and §14-2-28 of said code; to amend said code by adding thereto a new section, designated §14-2-17a; and to amend and reenact §14-2A-5, §14-2A-6, §14-2A-9, §14-2A-10, §14-2A-11, §14-2A-12, §14-2A-13, §14-2A-14, §14-2A-15, §14-2A-16, §14-2A-17, §14-2A-18, §14-2A-19, §14-2A-19a, §14-2A-19b, §14-2A-20, §14-2A-21, §14-2A-25, §14-2A-26 and §14-2A-28 of said code, all relating to renaming the Court of Claims the state Claims Commission; renaming judges commissioners; modifying definitions; providing explicit powers of removal of commissioners; providing authority to the Joint Committee on Government and Finance for the hiring of a clerk, chief deputy clerk and deputy clerks; and establishing a shortened procedure for certain road condition claims.

Referred to the Committee on the Judiciary.

By Senator Weld:

Senate Bill 314—A Bill to amend and reenact §11-21-12d of the Code of West Virginia, 1931, as amended, relating to allowing an adjustment to gross income for calculating the personal income tax liability of certain retirees receiving pensions from defined benefit pension plans that have been terminated with a consequent reduced benefit; and reinstating the effective period of the allowed adjustment.

Referred to the Committee on Pensions; and then to the Committee on Finance.

By Senator Miller:

Senate Bill 315—A Bill to amend and reenact §29-21-13a of the Code of West Virginia, 1931, as amended, relating to compensation and expenses for attorneys appointed by circuit courts in child abuse and neglect proceedings.

Referred to the Committee on the Judiciary; and then to the Committee on Finance.

By Senator Blair:

Senate Bill 316—A Bill to amend and reenact §21A-6-1a of the Code of West Virginia, 1931, as amended, relating to requiring individuals receiving unemployment compensation to apply for and accept seasonal employment.

Referred to the Committee on the Workforce; and then to the Committee on Finance.

By Senators Weld, Maynard, Stollings and Takubo:

Senate Bill 317—A Bill to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §49-4-304, relating to authorizing a family court judge to order substance abuse counseling of a child in emergency situations.

Referred to the Committee on Health and Human Resources; and then to the Committee on the Judiciary.

Senators Hall, Weld, Plymale and Stollings offered the following resolution:

Senate Concurrent Resolution 10—Requesting the Division of Highways to name bridge number 18-2-2.72 (18A004), (38.88137, -81.86401), locally known as Millwood Bridge, carrying West Virginia Route 2 over Little Mill Creek in Jackson County, as the “U. S. Army SGT Arthur George Roush Memorial Bridge”.

Whereas, Sergeant Arthur George Roush was born in Millwood, West Virginia, on June 13, 1932, and was the eighth of eleven children born to Calvin Elmer Roush, Jr., and Goldie Flesher Roush; and

Whereas, Sergeant Roush was a good student in school and took part in church and school activities and, along with his brothers Donald and Pete, was active in 4-H; and

Whereas, Sergeant Roush was adept at woodworking projects, making an end table for his mother as well as several bird houses and little dancing men; and

Whereas, Sergeant Roush went to work on a river boat early in life where he made good money and later bought a new big green Oldsmobile that he was so very proud of; and

Whereas, Sergeant Roush met the girl of his dreams, Becky Jo Barnett, and was looking forward to spending the rest of his life with her; and

Whereas, Sergeant Roush was very fond of children and spent a great deal of time with his nieces and nephews but his life was cut short when he died in Korea on August 14, 1954, and he never got a chance to be a father to his own son, Rodney, who was eight months old when Sergeant Roush died; and

Whereas, While Sergeant Roush’s family was devastated by him dying so far away from home, his wife Becky Jo Roush raised their son to be a wonderful man who visits her every day in Broadmore Senior Living in Hurricane; and

Whereas, It is fitting and proper, to honor the life of Sergeant Arthur George Roush for his dedicated service to his community, state and country and gave the ultimate sacrifice by naming this bridge in his memory; therefore, be it

Resolved by the Legislature of West Virginia:

That the Legislature hereby requests the Division of Highways to name bridge number 18-2-2.72 (18A004), (38.88137, -81.86401), locally known as Millwood Bridge, carrying West Virginia Route 2 over Little Mill Creek in Jackson County, as the “U. S. Army SGT Arthur George Roush Memorial Bridge”; and, be it

Further Resolved, That the Commissioner of the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “U. S. Army SGT Arthur George Roush Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senators Ferns and Stollings offered the following resolution:

Senate Concurrent Resolution 11—Requesting the Division of Highways to name bridge number 26-5-7.84 (26A120), (40.02701, -80.65272), locally known as New County Line Bridge, carrying County Route 5 over Big Wheeling Creek in Marshall County, the “USMC Lance Corporal Edwin Russell ‘Snook’ Danehart Memorial Bridge”.

Whereas, Edwin Russell “Snook” Danehart was born in Elm Grove, West Virginia, on July 31, 1947, the son of Carl and Della Behrens Danehart; and was the third youngest of fifteen children and affectionately known as “Snook” to those that knew him. He attended Sherrard High School and graduated in 1965 where he was awarded the Future Farmers of America Blue Ribbon for raising a prize Black Angus bull. He was a member of the Saint Mark’s Lutheran Church in Wheeling, West Virginia; and

Whereas, Edwin Russell “Snook” Danehart entered service to his country during the Vietnam Conflict in 1968 where he served in the United States Marine Corps attaining the rank of Lance Corporal. Lance Corporal Edwin Russell “Snook” Danehart paid the ultimate price on May 8, 1969, when his life was cut short in South Vietnam; and

Whereas, Naming this bridge is an appropriate recognition of Lance Corporal Edwin Russell “Snook” Danehart’s ultimate sacrifice to his country, state and community and it is fitting that an enduring memorial be established to commemorate his service to his community and country; therefore, be it

Resolved by the Legislature of West Virginia:

That the Division of Highways is hereby requested to name Bridge Number 26-5-7.84 (26A120), (40.02701, -80.65272), locally known as New County Line Bridge, carrying County Route 5 over Big Wheeling Creek in Marshall County, the “USMC Lance Corporal Edwin Russell ‘Snook’ Danehart Memorial Bridge”; and, be it

Further Resolved, That the Division of Highways is hereby requested to have made and be placed signs identifying the bridge as the “USMC Lance Corporal Edwin Russell ‘Snook’ Danehart Memorial Bridge”; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to the Commissioner of the Division of Highways.

Which, under the rules, lies over one day.

Senators Gaunch, Boso, Jeffries and Swope offered the following resolution:

Senate Concurrent Resolution 12—Requesting the Joint Committee on Children and Families to conduct an interim study on how to ensure that government benefit programs are never discouraging or punishing West Virginians who want to work or get married; and endorsing the Governor's Child Care Development Block Grant waiver application request to the U. S. Department of Health and Human Services so that new federal restrictions do not prevent over 12,000 children and their working parents from receiving child care vouchers.

Whereas, There are numerous government programs such as the Temporary Assistance for Needy Families (TANF), the Child Care Development Block Grant, the Affordable Care Act, the Supplemental Nutrition Assistance Program (SNAP) and housing assistance (public housing and the Section 8 Housing Choice Voucher Program) that at times penalize West Virginians who get a new job or a raise or want to get married; and

Whereas, Families find themselves in a terrible position of being discouraged from looking for work or getting a raise or marrying the person they love because of what it might cost in lost benefits for their children; and

Whereas, Currently there are new restrictions contained in the federal Child Care and Development Block Grant Act of 2014 that would effectively cut the child care programs relied upon by 12,000 children and their working parents in West Virginia (these families are working hard and playing by the rules, earning roughly \$25,000 per year); and

Whereas, West Virginia's Governor has submitted a waiver to the U. S. Department of Health and Human Services to delay some of those restrictions and save those child care benefits for a period of one year, after which point the state will need to seek a more permanent solution to this crisis; and

Whereas, The Department of Health and Human Resources is directed to work with the Joint Committee on Children and Families in evaluating the Code of West Virginia to identify statutes that act as disincentives to individuals and the families that rely on them to seek, gain and hold employment, or be married; and

Whereas, The Department of Health and Human Resources is directed to work with the Joint Committee on Children and Families in evaluating the United States Code to identify programs that act as disincentives to individuals and the families that rely on them to seek, gain and hold employment or be married; and

Whereas, The Department of Health and Human Resources and the Joint Committee on Children and Families should, as part of their research, review the February 12, 2014, Congressional Research Service report titled Work Requirements, Time Limits, and Work Incentives in TANF, SNAP, and Housing Assistance; and

Whereas, The West Virginia Legislature has the authority to support the Governor's request for a one-year extension; the authority to conduct a study of these work and marriage gaps in our benefit structure; and the authority to seek long-term solutions to the child care crisis and other gaps which are identified in partnership with West Virginia's Congressional delegation and Governor's office; therefore, be it

Resolved by the Legislature of West Virginia:

That the Joint Committee on Children and Families is hereby requested to conduct an interim study on how to ensure that government benefit programs are never discouraging or punishing West Virginians who want to work or get married; and endorsing the Governor's Child Care Development Block Grant waiver application request to the U. S. Department of Health and Human Services so that new federal restrictions do not prevent over 12,000 children and their working parents from receiving child care vouchers; and, be it

Further Resolved, That the Joint Committee on Children and Families is hereby requested to conduct an interim study to identify every instance in state and federal code where families may be disincentivized from work or marriage; and, be it

Further Resolved, That a report of the findings, conclusions and recommendations of the study, together with drafts of any legislation necessary to effectuate the recommendations be reported to the Legislature at its 2018 regular session, including a detailed plan for how to preserve the 12,000+ child care benefits beyond the new 2018 waiver date; and, be it

Further Resolved, That the expenses necessary to conduct this study, to prepare a report and draft necessary legislation are requested to be paid from legislative appropriations to the Joint Committee on Government and Finance; and, be it

Further Resolved, That the West Virginia Legislature hereby endorses and supports the Governor's waiver application to the U. S. Department of Health and Human Services; and, be it

Further Resolved, That the Clerk of the Senate is hereby directed to forward a copy of this resolution to Governor Jim Justice and West Virginia's Delegation to the U. S. Congress.

Which, under the rules, lies over one day.

Senators Takubo, Plymale, Stollings and Prezioso offered the following resolution:

Senate Resolution 13—Recognizing National Go Red For Women Day and the importance of the ongoing fight against heart disease and stroke.

Whereas, National Go Red For Women Day was celebrated on February 3, 2017, raising awareness to the ongoing fight against heart disease and stroke; and

Whereas, Cardiovascular diseases kill one in three women in the U. S., yet 80% of cardiovascular diseases may be prevented; and

Whereas, Cardiovascular diseases and stroke kill one woman every 80 seconds in the U. S.; and

Whereas, An estimated 44 million women in the U. S. are affected by cardiovascular diseases; and

Whereas, Ninety percent of women have one or more risk factors for developing heart disease or stroke; and

Whereas, Women are less likely to call 911 for themselves when experiencing symptoms of a heart attack than they are if someone else were having a heart attack; and

Whereas, Only 36% of African-American women and 34% of Hispanic women know that heart disease is their greatest health risk compared with 65% of Caucasian women; and

Whereas, The American Heart Association's Go Red For Women movement motivates women to learn their family history and to meet with a healthcare provider to determine their risk for cardiovascular diseases and stroke; and

Whereas, Women involved with the Go Red For Women movement live healthier lives; and

Whereas, Go Red For Women encourages women to take control of their heart health by knowing and managing these five numbers: Total Cholesterol; HDL (good) Cholesterol; blood pressure; blood sugar; body mass index (BMI); and

Whereas, By increasing awareness, speaking out about heart disease and empowering women to reduce their risk for cardiovascular diseases we can save thousands of lives each year; therefore, be it

Resolved by the Senate:

That the Senate hereby recognizes National Go Red For Women Day and the importance of the ongoing fight against heart disease and stroke; and, be it

Further Resolved, That the Clerk is hereby directed to forward a copy of this resolution to West Virginia Chapter of the American Heart Association.

At the request of Senator Takubo, unanimous consent being granted, the resolution was taken up for immediate consideration, reference to a committee dispensed with and adopted.

On motion of Senator Ferns, the Senate recessed for one minute.

Upon expiration of the recess, the Senate reconvened and resumed business under the sixth order.

Petitions

Senator Carmichael (Mr. President) presented a petition from Marybeth Albright and numerous West Virginia residents, requesting the Legislature to increase child crime punishment.

Referred to the Committee on the Judiciary.

The Senate proceeded to the seventh order of business.

Senate Concurrent Resolution 8, Donnie Adkins Memorial Bridge.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

Senate Concurrent Resolution 9, Ingram's Way.

On unfinished business, coming up in regular order, was reported by the Clerk and referred to the Committee on Transportation and Infrastructure.

The Senate proceeded to the ninth order of business.

Com. Sub. for Senate Bill 151, Authorizing Department of Administration promulgate legislative rules.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 169, Repealing article providing assistance to Korea and Vietnam veterans exposed to certain chemical defoliants.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 170, Repealing state hemophilia program.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 171, Repealing Programs of All-Inclusive Care for Elderly.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 174, Exempting transportation of household goods from PSC jurisdiction.

On second reading, coming up in regular order, was reported by the Clerk.

At the request of Senator Ferns, unanimous consent being granted, the bill was laid over one day, retaining its place on the calendar.

Senate Bill 176, Repealing article concerning detection of tuberculosis, high blood pressure and diabetes.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

Senate Bill 237, Repealing obsolete rules of Department of Revenue.

On second reading, coming up in regular order, was read a second time and ordered to engrossment and third reading.

The Senate proceeded to the eleventh order of business and the introduction of guests.

The Senate then proceeded to the twelfth order of business.

Remarks were made by Ferns.

Pending announcement of meetings of standing committees of the Senate,

On motion of Senator Ferns, the Senate adjourned until tomorrow, Wednesday, February 15, 2017, at 11 a.m.

SENATE CALENDAR

**Wednesday, February 15, 2017
11:00 AM**

SPECIAL ORDER OF BUSINESS Thursday, March 09, 2017 – 11:00 AM

Consideration of executive nominations

UNFINISHED BUSINESS

- S. C. R. 10 - US Army SGT Arthur George Roush Memorial Bridge
- S. C. R. 11 - USMC Lance Corporal Edwin Russell 'Snook' Danehart Memorial Bridge
- S. C. R. 12 - Requesting Joint Committee on Children and Families study government benefit programs

THIRD READING

- Eng. Com. Sub. for S. B. 151 - Authorizing Department of Administration promulgate legislative rules (original similar to HB2284)
- Eng. S. B. 169 - Repealing article providing assistance to Korea and Vietnam veterans exposed to certain chemical defoliant
- Eng. S. B. 170 - Repealing state hemophilia program
- Eng. S. B. 171 - Repealing Programs of All-Inclusive Care for Elderly
- Eng. S. B. 176 - Repealing article concerning detection of tuberculosis, high blood pressure and diabetes
- Eng. S. B. 237 - Repealing obsolete rules of Department of Revenue - (Com. title amend. pending)

SECOND READING

- S. B. 174 - Exempting transportation of household goods from PSC jurisdiction - (Com. amend. pending)

FIRST READING

- Com. Sub. for S. B. 127 - Authorizing Department of Revenue to promulgate legislative rules (original similar to HB2230)

Com. Sub. for S. B. 230 -

Relating to WV officials carrying concealed firearm nationwide

Com. Sub. for S. B. 233 -

Excluding from protection oral communications uttered in child care center under Wiretapping and Electronic Surveillance Act

ANNOUNCED SENATE COMMITTEE MEETINGS

Regular Session 2017

Wednesday, February 15, 2017

10 a.m.

Workforce

(Room 208W)